

RELATIONSHIP STATUS AND CENTRELINK

This factsheet provides information on how your relationship status affects your Centrelink payments.

Centrelink will consider whether you're a member of a couple when determining your eligibility for a payment and how much payment you are entitled to receive.

This factsheet covers:

- Definition of member of a couple
- How your relationship status impacts on your Centrelink payment
- What may happen if you don't tell Centrelink you are a member of a couple
- What to do if you and your partner separate
- Questions to help determine if you are a member of a couple

How does Centrelink define member of a couple?

Centrelink defines member of a couple as anyone who is:

- Living together on a permanent or indefinite basis, and
- Is either married, in a registered relationship or in a de facto relationship



Married or in a registered relationship

If you are married or in a registered relationship, you are taken to be a member of a couple for all payments (relationships can only be registered in Victoria, Tasmania, ACT and NSW). However, Centrelink may accept that you have separated from your partner even though you are still married or have a registered relationship.

De facto relationship

A de facto relationship is where two people are in a 'marriage like' relationship. Not all relationships are de facto relationships. Centrelink will assess all your circumstances to determine if you are in a de facto relationship. De facto relationships affect your Centrelink payments in different ways depending on the type of payment you receive.

Am I a member of a couple for Centrelink purposes?

To determine whether you are a member of a couple, Centrelink will look at your:

- Financial arrangements
- Accommodation and household set up
- Social relationship
- Sexual relationship
- Commitment to each other

Centrelink may consider you to be a member of a couple even if you consider yourself single.

You may be considered a member of a couple even if you live apart from your partner. This can happen if Centrelink does not believe that you are living separately on a permanent or indefinite basis.

If you have experienced domestic violence in your relationship, Centrelink can take this into account in considering whether to treat you as a member of a couple – for past periods or ongoing. Think about explaining to Centrelink how domestic violence has affected your relationship. If you need assistance in disclosing what has occurred and how it has affected

your relationship, ask to be referred to a Centrelink social worker. They can organise counselling and referrals. If you have had counselling or treatment, it may be helpful to ask your counsellor, psychologist or doctor to provide a report to Centrelink – including the impacts of any physical abuse, financial control, or coercion on your ability to leave the relationship.

At the end of this factsheet you will find a list of questions that Centrelink considers to determine if you are a member of a couple.

If Centrelink makes a change to your payment rate or eligibility because it believes you are a member of a couple, and you disagree with this decision, you have the right to appeal. You should appeal to an Authorised Review Officer within 13 weeks of being notified of the decision in writing, but you should contact your nearest member centre for advice before you appeal.

See our factsheet 'Appealing a Centrelink Decision' for more information on appealing.

What happens if I don't tell Centrelink that I am a member of a couple?



If you are receiving Centrelink payments based solely on your income and assets, and later Centrelink decides that you are a member of a couple, your payment may be cancelled and you may receive a debt.

This is because Centrelink will use your alleged partner's income and assets to determine your eligibility for, and rate of, your Centrelink payment.

If Centrelink believes you deliberately or recklessly made false statements or failed to provide Centrelink with timely or correct information to receive more money than you were entitled to, you may also be prosecuted for social security fraud.

Centrelink can investigate your relationship status by conducting interviews or contacting various institutions.

Investigation by interview

Centrelink may ask you or your partner to attend an interview to investigate your relationship status. If you have been invited to attend an interview with Centrelink, you should contact your closest member centre for advice before attending.

If you decide to attend the interview, Centrelink will ask you questions about your relationship with your alleged partner. These questions will be similar to the questions listed at the end of this factsheet. It is important to explain the reasons behind your personal arrangements to allow a more accurate assessment of your relationship status. For example, if you are living together for friendship or convenience, it is important to emphasise this.

If you do not attend the interview or answer the questions posed, your payments may be suspended.

If there have been periods in the past where you received payments you were not qualified for, there is no obligation on you to tell Centrelink about the **past period** to talk to Centrelink or answer questions about it. This is because you have a right not to self-incriminate.

Contacting various institutions

Centrelink may contact banks, employers, Australia Post, telephone companies, motor transport authorities and government departments like the immigration or tax department.

They will use the records they obtain from these institutions to determine your relationships status.

What do I do if my partner and I have separated?

If your relationship status has changed, you should let Centrelink know within 14 days of the change. You will likely be required to fill out Centrelink's Separation Details Form to provide information about your changed relationships status.

Separated under one roof

Even if you are still living with your ex-partner, Centrelink may consider you single. This is called 'separated under the one roof'. If you choose to continue living together, you must explain the reasons for this arrangement to Centrelink. Centrelink may ask you to provide independent evidence of your relationship breakdown, for example from doctors, counsellors or community leaders. There is no legal requirement to provide this evidence, but it can be helpful to assist Centrelink in assessing your relationship.

Questions to help determine if you are a member of a couple

Financial arrangements
<ul style="list-style-type: none"> • Do you provide financial support for each other? If so, how often and why? • Do you have any joint bank accounts? • Do either of you have access to the other's separate bank account(s)? • Do you have any joint loan(s) or joint credit cards? • Whose name is on the utility accounts (e.g. telephone, electricity, gas)? • Who pays the bills and how do you work out contributions? • Do you jointly own assets (e.g. your home, an investment property, car or furniture)? • Do you know about each other's financial affairs? • Do you manage your finances on your own? • Are either of you listed as a dependent spouse/partner for Medicare or tax purposes? • Have either of you named the other person as a beneficiary in your will or superannuation? • Do you lend or give each other money? If yes, how often? Why? • If the other person lost their job or had no income, would you feel obliged to financially support them? For how long? Why?
Accommodation and Domestic Arrangements
<ul style="list-style-type: none"> • Do you live at the same address? • How long have you lived there? • Have you lived together at any other places? • Why did you first decide to live at the same address? • Has the way you live together changed since you first lived together? • Do you intend to continue living together in the future? If so, why? • Do you have separate bedrooms and/or living areas? • Whose name is on the lease or mortgage? • If the property is bought, who is the legal owner? • How do you arrange your domestic chores (e.g. cooking, shopping, cleaning, laundry, ironing, lawn mowing etc.)? • If you do not live at the same address, is this arrangement temporary or permanent? Why?

Social relationship
<ul style="list-style-type: none"> • Do you share the same circle of friends? • Do you tell each other where you are or what you are doing when you go out on a daily basis? • Do you frequently go out together or separately? • Do either of you have a separate partner? • Do you visit each other's families? Why or why not? • Would your friends and family consider you a couple? If yes, do you correct them? • Do you conceal your relationship from friends, family or employers? If so, why? • Do your family or friends make plans for you as a couple? • Have you ever let a government department, real estate agency or bank assume that you are a couple? • Do you use the same family name? • Do you take holidays together?
Sexual relationship
<ul style="list-style-type: none"> • Do you have a continuing sexual relationship with each other? • Is either of you in a sexual relationship with anyone else?
Relationship with children
<ul style="list-style-type: none"> • Is the person you live with the parent or guardian of the child(ren) in your household? • Do you share parenting activities (e.g. feeding, dressing, disciplining or transport)? • Who are listed as the child(ren)'s emergency contacts at their school or child-care?
Commitment to each other
<ul style="list-style-type: none"> • How long have you been in the relationship? • Do you believe the relationship will continue? • Who do you talk to when you have problems? • If you suddenly got sick, who would you call? • Have you made long-term plans that involve the other person? • Do you think you are likely to marry or formally register your relationship? If no, why not? • Do you think your relationship is different to a marriage or de facto relationship? If so, why?

If your answers to any of these questions could indicate that you are a member of a couple, you should provide an explanation for the arrangement.

Where can I get help?

You can get free legal advice from your closest member centre which can be found at <http://www.ejaustralia.org.au/legal-help-centrelink/>

This factsheet was informed by previously published factsheets from Welfare Rights Centre Sydney and Welfare Rights and Advocacy Service Western Australia.

This factsheet does not constitute legal advice.

Please contact any of our member centres if you wish to obtain free legal advice.
Find your closest member centre at www.ejaustralia.org.au